

R68. Agriculture and Food, Plant Industry.

R68-8. Utah Seed Law.

R68-8-1. Authority.

Promulgated under authority of Sections 4-2-2, 4-16-3 and 4-17-3.

R68-8-2. Noxious Weed Seeds and Weed Seed Restrictions.

It shall be unlawful for any person, firm, or corporation to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which:

A. Contain, either in part or in whole, any prohibited noxious weed seeds.

1. "Prohibited" noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and Food to be injurious to public health, crops, livestock, land, or other property and which is especially troublesome and difficult to control.

2. Utah prohibited noxious weed seeds are as follows:

TABLE

| | |
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| Bermudagrass (Except in Washington County) | Cynodon dactylon (L.) Pers. |
| Bindweed (Wild Morning-glory) | Convolvulus spp. |
| Broad-leaved Peppergrass (Tall Whitetop) | Lepidium latifolium L. |
| Canada Thistle | Cirsium arvense (L.) Scop. |
| Diffuse Knapweed | Centaurea diffusa (Lam.) |
| Dyers Woad | Isatis Tinctoria L. |
| Perennial Sorghum spp. | including but not limited to Johnson Grass (Sorghum halepense (L.) Pers.) and Sorghum Almum (Sorghum almum, Parodi). |
| Leafy Spurge | Euphorbia esula L. |
| Medusahead | Taeniatherum caput-medusae (L.) Nevski) |
| Musk Thistle | Carduus nutans L. |
| Purple Loosestrife | Lythrum salicaria L. |
| Quackgrass | Agropyron repens (L.) Beauv. |
| Russian Knapweed | Centaurea repens L. |
| Scotch Thistle (Cotton Thistle) | Onopordum acanthium L. |
| Spotted Knapweed | Centaurea maculosa Lam. |
| Squarrose Knapweed | Centaurea virgata Lam. Ssp squarrosa Guggle. |
| Whitetop | Cardaria spp. |
| Yellow Starthistle | Centaurea |

solstitialis L.

B. Contain any restricted weed seeds in excess of allowable amounts:

1. The following weed seeds shall be allowed in all crop seed, but shall be restricted not to exceed a maximum of 27 such seeds per pound, either as a single species or in combination:

TABLE

| | |
|-------------------|---------------------------------|
| Dodder | Cuscuta app. |
| Halogeton | Halogeton glomeratus (M. Bieb.) |
| Jointed goatgrass | Aegilops cylindrica (Host.) |
| Poverty Weed | Iva axillaris Pursh. |
| Wild Oats | Avena fatua L. |

2. The following maximum percentage of weed seeds by weight shall be allowed:

a. Two percent (2.0%) of Cheat (*Bromus secalinus*), Chess (*Bromus brizaformis*), (*B. commutatus*), (*B. mollis*), Japanese Brome (*Bromus japonicus*) and Downy Brome (*Bromus tectorum*) either as a single species or in combination in grass seeds.

b. One percent (1.0%) of any weed seeds not listed in 2.a. above in grass, flower, tree and shrub seeds.

c. One half of one percent (0.50%) in all other kinds or types of seeds.

R68-8-3. Special Labeling Provisions.

A. Prepackaged containers must be labeled in accordance with requirements applying to the specific kind(s) of seed in said prepackaged container as provided by Section 4-16-4.

B. Seed weighed from bulk containers, including jars, cans, bins, etc., in the presence of the customer and sold in quantities of five pounds or less will be exempt from the full labeling provisions; provided, that the container from which the seed is taken is fully and properly labeled in accordance with the provisions of the law and regulations thereunder. Labels on such seed containers must be attached thereto and must be kept in a conspicuous place. The name and address of the supplier or vendor must be plainly printed on all lots of seed sold from bulk containers along with the required labeling and name of substance used in treatment, if any. If the seed was treated, the appropriate treatment labeling must be on both the master container from which the seed is weighed and on each receiving container. The vendor must also mark on any receiving container, when requested by the purchaser, any additional labeling information required by the laws and regulations thereunder.

C. If responsibility is accepted therefore, it shall be permissible under the law for the local merchant or distributor of seed in this State to adopt and use the analysis furnished by the original seller to remain attached to the proper container of such seed for a period not to exceed nine calendar months for vegetable, flower, tree, and shrub seeds and eighteen calendar months for agricultural seeds or in the case of hermetically

sealed seed, thirty-six calendar months, after which time said local dealer or distributor must retest or have retested any remaining seed in his possession, remove the original analysis label and attach a new analysis label or place an appropriately printed permanently adhering sticker on the original label bearing the lot number, percent of germination and date of test.

D. Any vegetable or flower seeds in packets or containers of one pound or less and preplanted containers offered, exposed for sale, or distributed in the State of Utah, must be labeled with the date of test or the current calendar year for which the seed is packed.

R68-8-4. Treated Seed - Use of Highly Toxic, Moderately Toxic, and Low Toxicity Substances and Labeling of Containers.

Any agricultural, vegetable, flower, or tree and shrub seed or mixture thereof that has been treated, shall be labeled in type no smaller than eight point to indicate that such seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used to treat such seed. The label shall contain the required information in any form that is clearly legible and complies with Section 4-16-5, Federal Laws which apply, and the following paragraphs of this regulation which are subsequently applicable. The information may be on the seed analysis tag, on a separate tag, or printed on each container in a conspicuous manner.

A. Names of Substances.

1. The required name of the substance used in treatment shall be the commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are not private trademarks and are available for use by the public and are commonly recognized as names of particular substances.

2. Examples of commonly accepted chemical (generic) names are: blue-stone, calcium carbonate, cuprous oxide, zinc hydroxide, hexachlorobenzene and ethyl mercury acetate. The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds. Examples of commonly accepted abbreviated chemical names are BHC (1,2,3,4,5,6, Hexachloroclohexane) and DDT (Dichloro diphenyl trichloroethane).

B. Treatment Coloring.

Any substance which is toxic in nature used in the treatment of seed shall be distinctly colored so as to be readily discernible.

C. Labeling.

Containers of treated seed shall, in addition to the name of the treatment substance used be labeled in accordance with Subsection R68-8-4(C), and shall bear appropriate signal words and warning statements required according to the relative toxicity of the chemical(s) applied. In addition, all seed treated with a chemical seed treatment shall bear the statement, "Keep out of Reach of Children."

1. Labeling Seed Treated with Highly Toxic Substances.

a. Seed treated with a chemical substance, designated by the Environmental Protection Agency or the Commissioner as a highly toxic substance, shall be labeled to conspicuously show the words,

"TREATED SEED," together with the name of the substance. Example: "THIS SEED TREATED WITH (name of substance)," or "(name of substance) TREATED". The labeling shall also bear in red coloring the signal words, "DANGER-POISON," and a representation of a skull and crossbones at least twice the size of the type used for the name of the substance. The label shall also include in red letters additional precautionary statements stating hazards to humans and other vertebrate animals, special steps or procedures which should be taken to avoid poisoning, and wording to inform physicians of proper treatment for poisoning.

b. All bags, sacks, or other containers of seed which have been or are being used to contain seeds treated with "highly toxic" substances, shall be identified with the words "DANGER POISON," and a representation of a skull and crossbones. The printing shall be directly printed or impregnated on or into the containers, or applied by other means approved by the department, as to be permanent. Any such container in which seed treated with highly toxic substances has been contained, except for future similar use for seed, shall not again be used to contain any food, feed, or agricultural products, without the prior written approval of the department.

2. Labeling Seed Treated with Moderately Toxic Substances.

Seed treated with a chemical substance designated as moderately toxic, shall be labeled with the words, "TREATED SEED," together with the name of the substance. Examples: "THIS SEED TREATED WITH (name of substance)" or "(name of substance) TREATED." The label shall also bear the signal word, "WARNING". Additional precautionary statements describing hazards to humans and other vertebrate animals, and special handling procedures to avoid poisoning shall also appear in the labeling.

3. Labeling Seed Treated with Low Toxicity Substances.

Seed treated with a chemical designated as low toxicity, or comparatively free from danger shall be labeled with the words, "TREATED SEED" together with the name of the substance. Example: "THIS SEED IS TREATED (name of substance)", or "(name of substance) TREATED." The label shall also bear the signal word, "CAUTION". Additional precautionary statements describing hazards to humans and other vertebrate animals, and special handling procedures to avoid poisoning shall also appear in the labeling.

4. Effective Warning.

Any words or terms used on the label which tend to reduce the effectiveness of the warning statements required by section 4-16-5 and this regulation are construed to be misleading.

5. Bulk Seed.

In the case of seed in bulk, the information required on the labels of packaged seed shall appear on the invoice or other records accompanying and pertaining to such seed.

D. Treatment by Custom Applicators.

The provisions of this regulation shall apply to seed which has been treated by custom applicators, or in a custom manner, even though the transfer of ownership is not intended on said seed.

E. Changes in Federal Law.

The kinds of chemicals declared highly toxic, moderately toxic, or low toxicity and their approved uses on seed must of necessity be in conformity with applicable federal laws and regulations. If at any time the federal government prohibits the use of such substances on seed or makes other changes affecting seed then the provisions of this regulation are considered to be modified to the extent necessary to conform to such federal laws and regulations.

R68-8-5. Inoculated Seed.

The term "inoculant" means a commercial preparation containing nitrogen-fixing bacteria applied to seed. Seed claimed to be inoculated shall be labeled to show the month and year beyond which the inoculant on the seed is no longer claimed to be effective.

R68-8-6. Weight or Seed Count Requirements.

Net weight on all containers is required except that preplanted containers, mats, tapes, or other planting devices shall state the minimum number of seeds in the container. All weight labeling shall be consistent with the requirements of the Weights and Measures Law and rules. Under appropriate circumstances when a seed tag is used, the weight information may appear on the seed tag rather than on the seed bag. The term "weight" shall be understood and construed to mean the net weight of the commodity.

R68-8-7. Labeling of Agricultural Seed Varieties.

A. The following kinds of agricultural seeds shall be labeled to show the variety name or the words, "Variety Not Stated."

- Alfalfa
- Bahiagrass
- Beans, field
- Beets, field
- Brome, smooth
- Broomcorn
- Clover, crimson
- Clover, red
- Clover, white
- Corn, field
- Corn, pop
- Cotton
- Cowpea
- Crambe
- Fescue, tall
- Flax
- Lespedeza, striate
- Millet, foxtail
- Millet, pearl
- Oat
- Pea, field
- Peanut
- Rice

Rye
 Safflower
 Sorghum
 Sorghum-Sudangrass
 Sudangrass hybrid
 Soybean
 Sudangrass
 Sunflower
 Tobacco
 Trefoil, birdsfoot

B. The following kinds of agriculture seeds shall be labeled to show the variety name:

Barley
 Triticale
 Wheat, Common
 Wheat, durum

C. When two or more varieties are present in excess of five percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

R68-8-8. Labeling of Lawn Seed Mixtures.

A. Format. When labeling lawn and turf seed mixtures as provided by Section 4-16-4, the following format shall be used:

TABLE

Grass Seed Mixture
 Lot 77-7

| PURE SEED | GERMINATION |
|----------------------------------|-------------|
| 42.20% Kentucky Bluegrass | 80% |
| 28.37% Annual Ryegrass | 85% |
| 11.90% Creeping Red Fescue | 85% |
| 5.43% White Dutch Clover | 75% |
| HARD SEED | 10% |
| .50% Weed Seed Tested: July 1979 | |
| 1.60% Other crop seed | |
| 10.00% Inert matter | |

Noxious weed seed-none
 John Doe Seed Company, Inc.
 1977 Bell Street, Salt Lake City, Utah 84000
 Net Weight: 5 pounds

B. Agricultural seed other than seed required to be named on the label shall be designated as "other crop seed" or "crop seed." If a mixture contains no crop seed, the statement "contains no other crop seed," may be used.

C. The headings "pure seed" and "germination" or "germ," shall be used in the proper place.

D. The word "mixed" or "mixture" shall be stated with the name of the mixture.

R68-8-9. Vegetable Seeds and Minimum Germination Standards.

A. Vegetable seeds are the seeds of the following, and the minimum germination standards are as indicated:

TABLE

| KIND | MINIMUM PERCENT GERMINATION STANDARD |
|--|---|
| Artichoke-- <i>Cynara scolymus</i> | 60 |
| Asparagus-- <i>Asparagus officinalis</i> | 70* |
| Bean, garden-- <i>Phaseolus vulgaris</i> | 70* |
| Bean, asparagus-- <i>Vigna sequipedalis</i> | 75* |
| Bean, lima-- <i>Phaseolus lunatus</i> var. macrocarpus | 70* |
| Bean, runner-- <i>Phaseolus coccineus</i> | 75 |
| Beet-- <i>Beta vulgaris</i> | 65 |
| Broadbean-- <i>Vicia fava</i> | 75 |
| Broccoli-- <i>Brassica oleracea</i> var. botrytis | 75 |
| Brussels sprouts-- <i>Brassica oleracea</i> var. gemmifera | 70 |
| Burdock, great-- <i>Arctium lappa</i> | 60 |
| Cabbage-- <i>Brassica oleracea</i> var. capitata | 75 |
| Cabbage, Chinese-- <i>Brassica Pekinensis</i> | 75 |
| Cabbage, tronchuda-- <i>Brassica oleracea</i> var. tronchuda | 75 |
| Cantalope (see Muskmelon) | |
| Cardoon-- <i>Cynara cardunculus</i> | 60 |
| Carrot-- <i>Daucus carota</i> | 55 |
| Cauliflower-- <i>Brassica oleracea</i> var. botrytis | 75 |
| Celery and celeriac-- <i>Apium graveolens</i> var. dulce and repaceum | 55 |
| Chard, Swiss-- <i>Beta vulgaris</i> var. cicla | 65 |
| Chicory-- <i>Cichorium intybus</i> | 65 |
| Chives-- <i>Allium schoenoprasum</i> | 50 |
| Citron-- <i>Citrullus lanatus</i> var. citroides | 65 |
| Collards-- <i>Brassica oleracea</i> var. acephala | 80 |
| Corn, Sweet-- <i>Zea mays</i> | 75 |
| Cornsalad (Fetticus-- <i>Valerianella locusta</i>) | 70 |
| Cowpea-- <i>Vigna sinensis</i> | 75 |
| Cress, garden-- <i>lepidium sativum</i> | 75 |
| Cress, Upland-- <i>Barbarea verna</i> | 60 |
| Cress, Water-- <i>Rorippa nasturtium-acquaticum</i> | 40 |
| Cucumber-- <i>Cucumis sativus</i> | 80 |
| Dandelion-- <i>Taraxacum officinalis</i> | 60 |
| Eggplant-- <i>Solanum melongena</i> | 60 |
| Endive-- <i>Cichorium endivia</i> | 70 |
| Herbs--(all kinds and varieties not listed) | 50 |
| Kale-- <i>Brassica</i> spp. | 75 |
| Kohlrabi-- <i>Brassica oleracea</i> var. gongylodes | 75 |
| Leek-- <i>Allium porrum</i> | 60 |

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| Lettuce-- <i>Lactuca sativa</i> | 80 |
| Muskmelon (Cantalope)-- <i>Cucumis melo</i> | 75 |
| Mustard, India-- <i>Brassica juncea</i> | 75 |
| Mustard, spinach-- <i>Brassica perviridis</i> | 75 |
| Okra-- <i>Hibiscus esculentus</i> | 50 |
| Onion-- <i>Allium cepa</i> | 70 |
| Onion, Welsh-- <i>Allium fistulosum</i> | 70 |
| Pak-choi-- <i>Brassica chinensis</i> | 75 |
| Parsley-- <i>Petroselinum crispum</i> | 60 |
| Parsnip-- <i>Pastinaca sativa</i> | 60 |
| Pea, garden-- <i>Pisum sativum</i> | 80* |
| Pepper-- <i>Capsicum spp.</i> | 55 |
| Pumpkin-- <i>Cucurbita pepo</i> | 75 |
| Radish-- <i>Raphanus sativus</i> | 75 |
| Rhubard-- <i>Rheum rhaponticum</i> | 60 |
| Rutabaga-- <i>Brassica napus var. napobrassica</i> | 75 |
| Salsify-- <i>Tragapogon porrifolius</i> | 75 |
| Sorrel-- <i>Rumex spp</i> | 65 |
| Soybean-- <i>Glycine max. L.</i> | 75 |
| Spinach-- <i>Spinacia oleracea</i> | 60 |
| Spinach, New Zealand-- <i>Tetragonia expansa</i> | 40 |
| Squash-- <i>Cucurbita pepo</i> | 75 |
| Tomato-- <i>Lycopersicon esculentum</i> | 75 |
| Tomato, husk-- <i>Physalis spp</i> | 50 |
| Turnip-- <i>Brassica rapa</i> | 80 |
| Watermelon-- <i>Citrullus vulgaris</i> | 70 |

*Including hard seeds

R68-8-10. Flower Seeds and Minimum Germination Standards.

The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are therefore required to be labeled in accordance with the germination labeling provisions of Section 4-16-4. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, this percentage is the total percentage of germination and percentage of hard seed.

TABLE

| KIND | MINIMUM GERMINATION STANDARDS |
|--|-------------------------------------|
| Archillea (The Pearl)-- <i>Achillea ptarmica</i> | 50 |
| African daisy-- <i>Dimorphotheca aurantiaca</i> | 55 |
| African Violet-- <i>Saintpaulia SPP</i> | 30 |
| Ageratum-- <i>Ageratum mexicanum</i> | 60 |
| Agrostemma (rose campion)-- <i>Agrostemma coronaria</i> | 65 |
| Alyssum-- <i>Alyssum compactum, A. maritimum, A. procumbens, A. saxatile</i> | 60 |
| Amaranthus-- <i>Amaranthus spp.</i> | 65 |
| Anagalis (pimpernel)-- <i>Anagalis</i> | 60 |

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| arvensis, Anagalis coerulea, Anagalis grandiflora | |
| Anemone--Anemone coronaria, A. pulsatilla | 55 |
| Angel's trumpet--Datura arborea | 60 |
| Arabis--Arabis alpina | 60 |
| Arctotis (African lilac daisy)-- | |
| Arctotis grandis | 45 |
| Armeria--Armeria formosa | 55 |
| Asparagus, fern--Asparagus plumosus | 50 |
| Asparagus, sprenger--Asparagus sprengeri | 55 |
| Aster, China--Callistephus chinensis, except Pompom, Powderpuff and Princess types | 55 |
| Aster, China--Callistephus chinensis, Pompom, Powderpuff and Princess types. | 50 |
| Aubrietia--Aubrietia deltoides | 45 |
| Baby Smilax--Asparagus asparagoides | 25 |
| Balsam--Impatiens balsamina | 70 |
| Begonia--(Begonia fibrous rooted) | 60 |
| Begonia--(Begonia tuberous rooted) | 50 |
| Bells of Ireland--Molucella laevis | 60 |
| Brachycome (swan river daisy)-- | |
| Brachycome iberidifolia | 60 |
| Browallia--Browallia elata and B speciosa | 65 |
| Bupthalmum (willowleaf oxeye)-- | |
| Bupthalmum salicifolium | 60 |
| Calceolaria--Calceolaria spp | 60 |
| Calendula--Calendula officinalis | 65 |
| California Poppy--Eschscholtzia californica | 60 |
| Calliopsis--Coreopsis bicolor, C. drummondii, C. elegans | 65 |
| Campanula: | 60 |
| Cantebury bells--Campanula medium | 60 |
| Cup and Saucer bellflower--Campanula calycanthemata | 60 |
| Carpathian bellflower--Campanula carpatica | 50 |
| Peach bellflower--Campanula persicifolia | 50 |
| Candytuft, annual--Iberis amara, I. umbellata | 65 |
| Candytuft, perennial--Iberis gibraltarica I. sempervirens | 55 |
| Caster bean--Rhinanthus communis | 60 |
| Cathedral bells--Cobaea scandens | 65 |
| Celosia--Celosia argentea | 65 |
| Centaurea: Basketflower--Centaurea americana, Cornflower-C. cyanus, Dusty Miller--C. candidissima, Royal centaurea C. imperialis, Sweet Sultan--C. moschata, Velvet centaurea C. gymnocarpa | 60 |
| Cerastium (snow in summer)--Cerastium | 65 |

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| biebersteini and <i>C. tomentosum</i> | |
| Chinese forget-me-not-- <i>Cynoglossum</i> amabile | 55 |
| <i>Chrysanthemum</i> , annual-- <i>Chrysanthemum</i> carinatum, <i>C. coronarium</i> , <i>C. segetum</i> | 40 |
| <i>Cineraria</i> -- <i>Senecio cruentus</i> | 60 |
| <i>Clarkia</i> -- <i>Clarkia elegans</i> | 65 |
| <i>Cleome</i> -- <i>Cleome gigantea</i> | 65 |
| <i>Coleus</i> -- <i>Coleus blumei</i> | 65 |
| Columbine-- <i>Aquilegia</i> spp | 50 |
| Coral Bells-- <i>Heuchera sanguinea</i> | 55 |
| <i>Coreopsis</i> , perennial-- <i>Coreopsis</i> lanceolata | 40 |
| Corn, Ornamental-- <i>Zea Mays</i> | 75 |
| <i>Cosmos</i> : Sensation, Mammoth and Crested type-- <i>Cosmos bipinnatus</i> ; Klondyke type-- <i>C. sulphureus</i> | 65 |
| <i>Crossandra</i> -- <i>Crossandra infundibuliformis</i> | 50 |
| <i>Dahlia</i> -- <i>Dahlia</i> spp | 55 |
| Daylily-- <i>Hemerocallis</i> spp. | 45 |
| <i>Delphinium</i> , perennial; <i>Belladonna</i> and <i>Bellamosum</i> types: Cardinal larkspur-- <i>Delphinium cardinale</i> ; Chinesis types; Pacific Giant, Gold Medal and other hybrids of <i>D. elatum</i> | 55 |
| <i>Dianthus</i> : | |
| Carnation-- <i>Dianthus caryophyllus</i> | 60 |
| China pinks-- <i>Dianthus chinensis</i> , Heddewigi, Heddensis | 70 |
| Grass pinks-- <i>Dianthus plumarius</i> | 60 |
| Maiden pinks-- <i>Dianthus deltoides</i> | 60 |
| Sweet William-- <i>Dianthus barbatus</i> | 70 |
| Sweet Wivelsfield-- <i>Dianthus allwoodi</i> | 60 |
| <i>Didiscus</i> (blue lace flower)-- <i>Didiscus</i> coerulea | 65 |
| <i>Doronicum</i> (leopard's bane)-- <i>Doronicum</i> caucasicum | 60 |
| <i>Dracena</i> -- <i>Cracena indivisa</i> | 55 |
| Dragon Tree-- <i>Dracaena Draco</i> | 40 |
| English daisy-- <i>Bellis perennis</i> | 55 |
| Flax, Golden-- <i>Linum flavum</i> , Flowering flax <i>L. grandiflorum</i> , perennial flax <i>L. perenne</i> | 60 |
| Flowering Maple-- <i>Abutilon</i> spp. | 35 |
| Foxglove-- <i>Digitalis</i> spp | 60 |
| <i>Gaillardia</i> , annual-- <i>Gaillardia</i> pulchella, <i>G. picta</i> ; perennial <i>G.</i> <i>grandiflora</i> | 45 |
| <i>Gerbera</i> (transvaal daisy)-- <i>Gerbera</i> jamesoni | 60 |
| <i>Geum</i> -- <i>Geum</i> spp | 65 |
| <i>Gilia</i> -- <i>Gilia</i> spp | 65 |
| Gloriosa daisy (<i>rudbeckia</i>) <i>Echinacea</i> purpurea and <i>Rudbeckia hirta</i> | 60 |

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| Gloxinia-- <i>Sinningia speciosa</i> | 40 |
| Godetia-- <i>Godetia amonea</i> , <i>G. grandiflora</i> | 65 |
| Gourds: Yellow flowered-- <i>Cucurbita</i> | 70 |
| pepo; White flowered <i>Lagenaria</i> | |
| <i>sisseraria</i> ; Dishcloth- <i>Luffa cylindrica</i> | |
| Gypsophila, annual Baby's breath-- | 70 |
| <i>Gypsophila elegans</i> ; perennial Baby's | |
| breath- <i>G. paniculata</i> , <i>G. pacifica</i> , | |
| <i>G. repens</i> | |
| Helenium-- <i>Helenium autumnale</i> | 40 |
| Helichrysum-- <i>Helichrysum monstrosum</i> | 60 |
| Heliopsis-- <i>Heliopsis scabra</i> | 55 |
| Heliotrope-- <i>Heliotropium</i> spp | 35 |
| Helipeterum (<i>Acroclinum</i>)-- <i>Helipeterum</i> | 60 |
| <i>roseum</i> | |
| Hesperis (sweet rocket)-- <i>Hesperis</i> | 65 |
| <i>matronalis</i> | |
| Hollyhock-- <i>Althea rosea</i> | 65* |
| Hunnemannia (Mexican tulip poppy)-- | 60 |
| <i>Hunnemannia fumariaefolia</i> | |
| Hyacinth bean-- <i>Dolichos loblax</i> | 70* |
| Impatiens-- <i>Impatiens holstii</i> , <i>I. sultani</i> | 55 |
| Ipomea: Cypress vine-- <i>Ipomea</i> | 75* |
| <i>quamoclit</i> ; Moonflower- <i>I. noctiflora</i> ; | |
| Morning glories, Cardinal climber, | |
| Hearts and Honey vine-- <i>Ipomea</i> spp | |
| Jerusalem cross (Maltese cross)-- | 70 |
| <i>Lychnis chalcedonica</i> | |
| Job's tears-- <i>Ciox lacryma-jobi</i> | 70 |
| Kochia (Mexican fire bush)-- <i>Kochia</i> | 55 |
| <i>chilensis</i> | |
| Larkspur, annual-- <i>Delphinium ajacium</i> | 60 |
| Lantana-- <i>Lantana camara</i> , <i>L. hybrida</i> | 35 |
| Lilium (regal lily)-- <i>Lilium regale</i> | 50 |
| Linaria-- <i>Linaria</i> spp | 65 |
| Lobelia-- <i>Lobelia erinus</i> | 65 |
| Lunaria, honesty-- <i>Lunaria annua</i> | 65 |
| Lupine-- <i>Lupinus</i> spp | 65* |
| Marigold-- <i>Tagetes</i> spp | 65 |
| Marvel of Peru (Four-O'clock)-- | 60 |
| <i>Mirabilis jalapa</i> | |
| Matricaria (feverfew)-- <i>Matricaria</i> spp | 60 |
| Mignonette-- <i>Reseda odorata</i> | 55 |
| Myosotis-- <i>Myosotis alpestris</i> , | 50 |
| <i>M. oblongata</i> , <i>M. pulastris</i> | |
| Nasturtium-- <i>Tropeolum</i> spp | 60 |
| Nemesia-- <i>Nemesia</i> spp | 65 |
| Nemophila-- <i>Nemophila insignis</i> | 70 |
| Nemophila, spotted-- <i>Nemophila maculata</i> | 60 |
| Nicotiana-- <i>Nicotiana affinis</i> , <i>N.</i> | 65 |
| <i>sanderana</i> , <i>N. sylvestris</i> | |
| Nierembergia-- <i>Nierembergia</i> spp | 55 |
| Nigella-- <i>Nigella damascena</i> | 55 |
| Pansy-- <i>Viola tricolor</i> | 60 |

| | |
|--|-----|
| Penstemon--Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pupescens | 60 |
| Petunia--Petunia spp | 45 |
| Phacelia--Phacelia campanularia, P. minor, P. tanacetifolia | 65 |
| Phlox, annual--Phlox drummondii all types and varieties | 55 |
| Physalis--Physalis spp | 60 |
| Plantycodon (balloon flower)-- Platycodon grandiflorum | 60 |
| Plumbago, cape--Plumbago capensis | 50 |
| Ponytail--Beaucarnea Recurvata | 40 |
| Poppy: Shirley poppy--Papaver rhoeas, Iceland poppy P. nudicaule, Oriental poppy-P. orientale, Tulip poppy P. glaucum | 60 |
| Portulaca--Portulaca grandiflora | 65 |
| Primula (primrose)--Primula spp | 50 |
| Pyrethrum (painted daisy)--Pyrethrum coccineum | 60 |
| Salpiglossis--Salpiglossis's gloxinaeflora, S. sinuata | 60 |
| Salvia--Scarlet Sage--Salvia spendens, Mealycup Sage (blue bedder)--Salvia farinacea | 50 |
| Saponaria--Saponaria ocymoides, S. vaccaria | 60 |
| Scabiosa, annual--Scabiosa atropurpurea | 50 |
| Scabiosa, perennial--Scabiosa caucasica | 40 |
| Scizanthus--Schizanthus spp | 60 |
| Sensitive plant (mimosa)--Mimosa pudica | 65* |
| Shasta Daisy-Chrysanthemum maximum, C. leucanthemum | 65 |
| Silk Oak--Grevillea Robusta | 25 |
| Snapdragon--Antirrhinum spp | 55 |
| Solanum--Solanum spp | 60 |
| Statice--Statice sinuata S. suworowii (flower heads) | 50 |
| Stocks: Common--Matthiola incana, Evening Scented-Matthiola bicornis | 65 |
| Sunflower--Helianthus spp | 65 |
| Sunrose--Helianthemum spp | 30 |
| Sweet pea, annual and perennial other than dwarf bush-Lathyrus odoratus, L. latifolius | 75* |
| Sweet pea, dwarf bush--Lathyrus odoratus | 65* |
| Tahoka daisy--Machacantha tanacetifolia | 60 |
| Thunbergia--Thunbergia alata | 60 |
| Torch flower--Tithonia speciosa | 70 |
| Torenia (wishbone flower)--Torenia fournieri | 70 |
| Tritoma--Kniphofia spp | 65 |
| Verbena, annual--Verbena hybrida | 35 |

| | |
|--|----|
| Vinca (periwinkle)--Vinca rosea | 60 |
| Viola--Viola carnuta | 55 |
| Virginian stocks--Malcolmia maritima | 65 |
| Wallflower--Cheiranthus allioni, C. cheiri | 65 |
| Yucca (Adamsneedle)--Yucca filamentosa | 50 |
| Zinnia (except linearis and creeping)-- Zinnia augustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haageana, Z. multiflora, Z. pumila | 65 |
| Zinnia, linearis and creeping-- Zinnia linearis, Sanvitalia procumbens | 50 |
| All other kinds | 50 |

* Including hard seeds

R68-8-11. Labeling of Flower Seeds.

Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by Section 4-16-4.

A. Seeds of Plants Grown Primarily for Their Blooms.

1. Single Name. Seeds of a single name variety shall be labeled to show the kind and variety name. For example: "Marigold, Butterball."

2. Single Type and Color. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type of color of bloom. For example: "Scabiosa, Tall, Large Flowered, Double, Pink."

3. Assortment of Colors. Seeds consisting of an assortment of mixture of colors or varieties of a single kind shall be labeled to show the kind name, the type of plant, and the types of bloom. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is-"Marigold, Dwarf, Double French, Mixed colors."

4. Assortment of Kinds. Seeds consisting of an assortment of mixture of kinds shall be labeled to clearly indicate that the seed is assorted or mixed and the specific use of the assortment of mixture shall be indicated. For example: "Cut Flower Mixture," or "Rock Garden Mixture." Such statements as "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of Plants Grown for Ornamental Purposes Other Than Their Blooms. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example: "Ornamental Gourds, Small Fruited, Mixed."

R68-8-12. Application of Germination Standards to Mixtures of Kinds of Flower Seeds.

A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of

kinds constituting 25 % or more of the mixture by number is below standard for the kind or kinds.

R68-8-13. Tree and Shrub Seed Labeling.

The information in the following example shall be used for all tree and shrub seeds for which standard testing procedures are prescribed.

TABLE

| | |
|-----------------------------------|---------------|
| Common Name: | Lot#: |
| Genus: | Species: |
| Origin: State: County: | Elevation: |
| Date Collected or Tested: Month: | Year: |
| Pure Seed: % Weed Seed: % | Inert Matter: |
| Other crop seed: % Germination: % | Hard Seed: |
| Net Weight: | |
| Name: | |
| Address: | |

If the kind of seed to be labeled is not one for which standard testing procedures are prescribed, the information on germination and hard seeds may be omitted from the example shown above.

R68-8-14. Hermetically Sealed Seed Containers.

The 36-month provision on the date of test in Section 4-16-5 will apply to hermetically sealed agricultural and vegetable seed when the following conditions have been met:

A. The seed was packaged within nine months after harvest.

B. The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100 degrees F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration (WVP) is measured by the standards adopted by the U. S. Bureau of Standards as: WVP=gm H₂O/24 hr./100 sq. in./100 degrees F./90% RHV. 0%RH

C. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

TABLE

| 1. AGRICULTURAL SEEDS | PERCENT |
|-----------------------------|---------|
| Beet, field | 7.5 |
| Beet, sugar | 7.5 |
| Bluegrass, Kentucky | 6.0 |
| Clover, Crimson | 8.0 |
| Fescue, Red | 8.0 |
| Ryegrass perennial | 8.0 |
| All other agricultural seed | 6.0 |
| Mixtures of above | 8.0 |
| 2. VEGETABLE SEEDS | PERCENT |

| | |
|--------------------------|-----|
| Bean, garden | 7.0 |
| Bean, lima | 7.0 |
| Beet | 7.5 |
| Broccoli | 5.0 |
| Brussel sprouts | 5.0 |
| Cabbage | 5.0 |
| Carrots | 7.0 |
| Cauliflower | 5.0 |
| Celeriac | 7.0 |
| Celery | 7.0 |
| Chard, Swiss | 7.5 |
| Chinese cabbage | 5.0 |
| Chives | 6.5 |
| Collards | 5.0 |
| Corn, sweet | 8.0 |
| Cucumber | 6.0 |
| Eggplant | 6.0 |
| Kale | 5.0 |
| Kohlrabi | 5.0 |
| Leek | 6.5 |
| Lettuce | 5.5 |
| Muskmelon | 6.0 |
| Mustard, India | 5.0 |
| Onion | 6.5 |
| Onion, Welsh | 6.5 |
| Parsley | 6.0 |
| Parsnip | 6.0 |
| Pea | 7.0 |
| Pepper | 4.5 |
| Pumpkin | 6.0 |
| Radish | 5.0 |
| Rutabaga | 5.0 |
| Spinach | 8.0 |
| Squash | 6.0 |
| Tomato | 5.5 |
| Turnip | 5.0 |
| Watermelon | 6.5 |
| All other vegetable seed | 6.0 |

D. The container is conspicuously labeled in not less than eight point type to indicate:

1. That the container is hermetically sealed.
2. That the seed has been preconditioned as to moisture content, and
3. The calendar month and year in which the germination test was completed.

E. The percentage of germination of the vegetable seed at the time of packaging was equal to or above the standards specified in Section R68-8-9.

R68-8-15. Rules for Seed Testing.

Rules for testing seeds shall be the same as those found in the current "Rules For Testing Seeds" recommended by the

Association of Official Seed Analysts. For seeds not listed in the "Rules for Testing Seed," procedures for testing shall be determined by the State Seed Analyst based upon the most authoritative seed testing information available. For seed not listed in the "Rules for Testing Seeds," procedures for testing shall be determined by the State Seed Analyst based upon the most authoritative seed testing information available. Utah Department of Agriculture and Food has a copy of the "Rules for Testing Seeds", on file in the Seed Laboratory.

R68-8-16. Labeling of Chemical Tests for Viability (Tetrazolium).

The results of tetrazolium tests performed in accordance with the current "Rules For Testing Seeds" of the Association of Official Seed Analysts shall be recognized for labeling purposes.

R68-8-17. Labeling of Seed Distributed to Wholesalers.

A wholesaler, whose predominant business is to supply seed to other distributors rather than to consumers, shall label seed as follows:

A. Containers. If the seed is in containers, the information required in Section 4-16-4 need not be shown on each container provided, that:

1. The lot designation is shown on an attached label or by stenciling or printing on container.

2. The required information for labeling accompanies such shipment.

B. Bulk. In the case of seed in bulk, the information required in Section 4-16-4 shall appear in the invoice or other records accompanying and pertaining to such seed.

R68-8-18. Inspector's Duties.

It shall be the duty of the District Agricultural Inspectors, either in person or by deputy, to quarantine any lots of seed which contain weed seeds in violation of current regulations of the Department of Agriculture and Food. Such seed may be recleaned under the supervision of any official representative of the Utah State Department of Agriculture and Food, and if found to meet the requirements of the current regulations of the Department of Agriculture and Food with respect to weed seed content, the same may be released for distribution, otherwise, such seed will be destroyed. It shall be the duty of the District Agricultural Inspectors, either in person or by deputy, to quarantine any lots of seed which do not comply with the labeling provisions of Section 4-16-4, and Section R68-8. Such seeds shall remain quarantined and shall not be offered for sale until they are properly labeled to meet the above requirements.

R68-8-19. Sampling.

A. General Procedure

1. In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity.

2. For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag shall be used.

3. Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings which are difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

4. The portions shall be combined into a composite sample or samples.

5. As the seed or screening is sampled, each portion shall be examined and whenever there appears to be lack of uniformity, additional samples shall be taken to show such lack of uniformity as may exist.

B. Bulk. Bulk seeds or screenings shall be sampled by inserting a probe or thrusting the hand into the bulk, as circumstances require, to obtain a composite sample of at least as many cores or handfuls of seed or screenings as if the same quantity were in bags of an ordinary size. The cores or handfuls of seed which comprise the composite sample shall be taken from well distributed points throughout the bulk.

C. Bags.

1. In quantities of six bags or less, each bag shall be sampled.

2. In quantities of more than six bags, five bags plus at least 10% of the number of bags in the lot shall be sampled, rounding numbers with decimals to the nearest whole number. Regardless of the lot size, it is not necessary to sample more than thirty bags. Example:

TABLE

| | | | | | | | | |
|--------------------|---|----|----|----|-----|-----|-----|-----|
| No. Bags in Lot | 7 | 10 | 23 | 50 | 100 | 200 | 300 | 400 |
| No. Bags to Sample | 6 | 6 | 7 | 10 | 15 | 25 | 30 | 30 |

3. Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

D. Small Containers. Seed in small containers shall be sampled by taking the entire unopened containers in sufficient number to supply a minimum size sample as required in Subsection R68-8-19(E). The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

E. Size of Samples. The following are minimum weights of samples of seed to be submitted for analysis, test, or examination:

1. Grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these - two ounces (approximately 55 grams).

2. Alfalfa, bromegrasses, crimson or red clover, flax, lespedezas, millet, rape, ryegrass or seeds of similar size - five ounces (approximately 150 grams).

3. Proso, sudangrass, or seeds of similar size - one pound. (Approximately 500 grams).

4. Cereals, sorghums, vetches or seeds of similar or larger size - two pounds (approximately 1000 grams).

5. Vegetable and flower seed - at least 400 seeds per sample.

6. Tree and shrub seed - at least 600 seeds per sample for germination purposes. If a purity or noxious-weed seed examination is required, the amount of sample shall be at least the size of that required for seeds of similar size in Subsections R68-8-19(E)(1), (2), (3), and (4).

7. Screenings - two quarts.

R68-8-20. Records.

The term "Complete Records," as it pertains to Section 4-16-11, shall be construed to mean information which relates to origin, germination, purity, variety, and treatment of each lot of seed transported or delivered for transportation within this State. Such information shall include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, handling, storage, analysis, tests, and examinations. The complete record kept by each person for each lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each lot of seed.

R68-8-21. Advertising.

The name of a kind or kind and variety of seed and any descriptive terms pertaining thereto shall be correctly represented in any advertisement of seed.

A. Name of Kind or Kind and Variety. The representation of the name of a kind or kind and variety of seed in any advertisement subject to the act shall be confirmed to the name of the kind or kind and variety determined in accordance with Section 4-16-2 associated with words or terms that create a misleading impression as to the history or characteristics of the kind or kind and variety. Descriptive terms and firm names may be used in kind and variety names; provided, that the descriptive terms or firm names are a part of the kind or variety of seed; for example, Stringless Green Pod, Detroit Dark Red, Black Seed Simpson, and Henderson Bush Lima. Seed shall not be designated as hybrid seed in any advertisement subject to the act unless it comes within the definition of "Hybrid" in Section 4-16-2.

B. Characteristics of Kind or Variety. Terms descriptive as to color, shape, size, habit of growth, disease resistance, or other characteristics of the kind or variety, may be associated with the name of the kind or variety; provided, that it is done in a manner which clearly indicates the descriptive term is not part of the name of the kind or variety; for example, Oshkosh pepper (yellow) Copenhagen Market (round head) cabbage, and Kentucky Wonder pole bean.

C. Description of Quality and Origin. Terms descriptive of quality or origin and terms descriptive of the basis for representations made may be associated with the name of the kind or variety of seed; provided, that the terms are clearly identified as being other than part of the name of the kind or

variety; for example: Blue Tag Gem Barley, Idaho Origin Alfalfa, and Grower's Affidavit of Variety Atlas Sorghum.

D. Description of Manner of Production or Processing. Terms descriptive of the manner or method of production or processing the seed may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

E. Separation of Brand Names from Kind and Variety Names. Brand names and terms taken from trademarks may be associated with the name of the kind and variety or mixtures of kinds or blends of varieties of seed as an indication of source; provided, that the terms are clearly indicated as being other than part of the name of the kind and variety, mixture or blend. For example: Valley Brand Blend 15 Alfalfa, or River Brand Golden Cross Corn.

R68-8-22. Seed Screenings.

It shall be unlawful for any person, company, or corporation to sell, offer for sale, barter, give away, or otherwise dispose of any screenings containing more than 6 whole prohibited noxious weed seeds per pound and/or more than 27 whole restricted weed seeds per pound; except that screenings containing such seeds may be moved or sold to a mill or plant for processing in such a manner which will reduce the number of whole weed seeds to within the above stated tolerances. Each container or shipment of screenings shall be labeled with the words "Screenings for Processing - Not For Seeding or Feeding" and with the name and address of the consignor and consignee.

R68-8-23. Fees For Testing Services.

Charges for testing samples, representing seed sold or offered for sale in Utah, or other services performed by the state seed laboratory, shall be determined by the department pursuant to Subsection 4-2-2(2). A current listing of approved fees may be obtained upon request from Utah State Department of Agriculture and Food.

KEY: inspections

May 30, 2000

Notice of Continuation July 31, 2001

4-2-2

4-16-3

4-17-3